## JC20 Rec'd PCT/PTO 3 0 SEP 2003

Attorney Docket No. Le A 36 379

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Achim Harder, et al.

Serial No.: [to be assigned] - National Stage Filing of PCT/EP2004/003155

Title: Improved Penetration of Active Substances Into Cells and Organs

MAIL STOP PCT COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

# TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF DATE OF NATIONAL STAGE ENTRY 37 C.F.R. 1.97(b)(2)

Dear Sir:

Applicants wish to cite for the record in the above-identified application the references shown on the accompanying form(s) PTO/SB/08A-B [substitute for form 1449/PTO]. A copy of the International Search Report is also enclosed for your reference.

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement transmitted herewith is being filed concurrently with the request under 35 U.S.C. § 371(f) to begin national examination procedures.

#### **FEE PAYMENT**

Applicants believe that no fees are due with this submission. However, the Commissioner is hereby authorized to charge any fees that may have been overlooked but that are required to Deposit Account 13-3372. Additionally, please credit any overpayment to the same account.

Respectfully submitted,

William F. Gray Reg. No.: 31,018

Attorney for Applicant(s)

Bayer Pharmaceuticals Corporation 400 Morgan Lane West Haven, CT 06516 Telephone: (203) 812-2712

Facsimile: (203) 812-6459

### JC20 Rec'd PCT/PTO 3 0 SEP 2003

PTO/SB/08A (07-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

 Under	he Paperwork Redu	<u>uction Act of 1995, n</u>	o persons are required to re	espond to a collection of informat	ion unless it contains a valid OMB control n	umber	
Subst	itute for form 1449/	РТО		Complete if Known			
				Application Number	(to be assigned R R 2		
INI		ION DISC	OCUDE	Filing Date			
				First Named Inventor	Achim Harder		
SI		IT BY APF		Art Unit			
	(Use as ma	ny sheets as neces	ssary)	Examiner Name			
Sheet	1	_ of.	2	Attorney Docket Number	Le A 33 379		

			U. S. PATENT	DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (f known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	U1	<sup>US-</sup> 3,004,894	10/17/61	Richard H. Johnson, et al.		
	Ì	US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-			`	
		US-				
-		US-				
		US-				
		US-				
		US-			<u></u>	
		US-				
		US-				
		US-				
		US-	<u> </u>			

FOREIGN PATENT DOCUMENTS									
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	Π			
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (# known)	MM-DD-YYYY			T⁵			
	F1	EP 0 268 460 B1	05/25/88	Macrochem Corporation	n				
	F2	WO 99/20257 A1	04/29/99	Macrochem Corporation					
	F3	WO 03/028702 A1	04/10/03	Macrochem Corporation					
	F4	WO 99/09954 A1	03/04/99	Macrochem Corporation					
	F5	EP 0 552 879 B1	07/28/93	Macrochem Corporation					
	F6	EP 0 728 462 B1	08/28/96	Macrochem Corporation					

Examiner	 Date	
Signature	Considered	1
3	 1	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

JC20 Rec'd PCT/PTO 3 0 SEP. 2005.

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

	te for form 1449/PTO	adollon Ac	at or 1500; no persons as	C required to recipona to a concention	n of information unless it contains a valid OMB control num  Complete if Known	$\sim$
Substitut	10 10 10 11 1449/1 10			Application Number	[to be stimed 51882	
INFO	DRMATION	I DIS	CLOSURE	Filing Date		
STA	TEMENT E	BY A	PPLICANT	First Named Inventor	Achim Harder	
	(lles es menus h			Art Unit		
	(Use as many sh	eets as no	ecessary)	Examiner Name		
Sheet	2	of	2	Attorney Docket Number	Le A 33 379	$\overline{}$

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	R1	Fuhrman Jr., L. C., et al., "Effect of Novel Penetration Enhancers on the Transdermal Delivery of Hydrocortisone: An in Vitro Species Comparison", J. Controlled Release, 45: 199-206 (1997)	
	R2	Hui, X., et al., "Enhanced Econazole Penetration Into Human Nail by 2-n-nonyl-1,3-dioxolane", J. Pharm. Sciences, 92(1): 142-148 (October 2002)	

Examiner		Date	
Signature		Considered	 

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.